

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 15, 2004**

Court convened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P.J., Bedsworth, J., O'Leary, J., Moore, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CIVIL WESTMINSTER 49 INVESTORS et al.
No. v.
G031277 RANDALL S. WAIER et al.

Merits. Cause called. Joan M. Cambray argues for appellants. Randall S. Waier argues for respondents. Cause submitted.

CIVIL CENTERSTONE DEVELOPMENT CO. et al.
No. v.
G032399 KIRK S. EVANS

Merits. Cause called. Randall S. Waier argues for appellant. Luke G. Anderson argues for respondents. Cause submitted.

CIVIL RICHARD LERMA et al.
No. v.
G032120 COUNTY OF ORANGE et al.

Merits. Cause called. Gary T. Mason makes a special appearance for Robert W. Ragsdale and argues for appellants. Debra E. Allen argues for respondent County of Orange. Steven J. Rothans argues for respondent City of Rancho Santa Margarita. Appellants and respondents to file supplemental briefs by March 29, 2004. Cause to be submitted on March 29, 2004.

CIVIL DEC ASSOCIATES
No. v.
G031840 CONSTRUCTION BROKERS, INC.

Merits. Cause called. Michael A. Boswell argues for appellant. John D. Alessio argues for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 15, 2004 (Cont'd)**

CIVIL DENISE PRALL
No. v.
G032279 UNITED REVENUE SERVICE, INC. et al.

Merits. Cause called. Karen O. Frankudakis argues for appellants. David B. Carroll argues for respondent. Cause submitted.

CIVIL OZ FOWLER et al.
No. v.
G032429 BENNY J. MANLEY et al.

Merits. Cause called. John L. Dodd argues for appellants. Robert Swortwood argues for respondents. Cause submitted.

CIVIL DAVID S. BATES
No. v.
G031491 BARNES, CROSBY, FITZGERALD & ZEMAN LLP
G032086

Merits. Cause called. Bruce J. Guttman argues for appellant. Larry S. Zeman argues for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 15, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., O'Leary, J., Moore, J., and Aronson, J. M. Urena, Deputy Clerk attending.

CIVIL CARROLL S. DAWSON
No. v.
G031467 SONIA SONJU

Merits. Cause called. Anthony G. Chavos argues for appellant. Phillip K. Fife argues for respondent. Cause submitted.

CIVIL JOSEPH RAVENNA
No. v.
G032648 JUDY L. SHALLENBERGER

Merits. Cause called. Mitchell R. Sussman argues for appellant. Isaac R. Zfaty argues for respondent. Cause submitted.

CIVIL COUNTY OF ORANGE
No. v.
G032378 BANKER'S INSURANCE CO.

Merits. Cause called. Benjamin P. Wasserman argues for appellant. Wendy J. Phillips, Deputy County Counsel argues for respondent. Cause submitted.

CIVIL SHARON STEFIEN
No. v.
G030967 THE ROCK ISLAND BANK

Merits. Cause called. Raymond Riley argues for appellant and cross-respondent. Kevin H. Louth argues for respondent and cross-appellant. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 15, 2004 (Cont'd)**

CIVIL RICHARD K. ROBERTS
No. v.
G031238 HOME AMERICAIR

Merits. Cause called. Richard A. Derevan argues for appellant. Joanne M. Frasca argues for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 15, 2004 (Cont'd)**

CIVIL	SOUTH COAST CAB CO., INC.	Not for publication
No.	v.	
G032823	CITY OF ANAHEIM, et al.	

Opinion filed. Appeal dismissed.

Sills, P.J.

We concur: Rylaarsdam, J.
O'Leary, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 16, 2004**

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CIVIL JOY STEPHENSON
No. v.
G031997 REBECCA M. OPPEN et al.

Merits. Cause called. Richard E. Mellenger argues for appellants. Charles W. Parret argues for respondent. Appellant and respondent to file supplemental briefs by April 1, 2004. Cause to be submitted on April 1, 2004

CIVIL PAUL RESNICK
No. v.
G032162 DAN WINTERS et al.

Merits. Cause called. Jeffrey A. Lipow made no appearance for appellant. Ronald Appel appeared for respondent and presented no argument. Cause submitted.

CIVIL JEFFREY M. WHITE
No. v.
G032239 KATHERINE P. WHITE

Merits. Cause called. Marjorie G. Fuller argues for appellant. Scott S. Streed made no appearance for respondent. Cause submitted.

CIVIL JAMES F. HEROLD
No. v.
G031982 REGISTRAR OF CONTRACTORS et al.

Merits. Cause called. Richard W. Meaglia argues for appellant. Richard Garske, Attorney General made no appearance for respondent. Deputy Attorney General's request to continue oral argument denied. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 16, 2004 (Cont'd)**

CRIM THE PEOPLE
No. v.
G027919 EMILIANO M.

Merits. Cause called. Amanda Benedict argues for appellant. Anthony Da Silva, Deputy Attorney General argues for respondent. Cause submitted.

CIVIL ANGELA MORAN
No. v.
G031179 OSO VALLEY GREENBELT ASSOCIATION

Merits. Cause called. Richard E. Mellenger argues for appellant. Richard Neuland argues for respondent. Cause submitted.

CIVIL ORANGE COUNTY EMPLOYEES ASSOCIATION INC.
No. v.
G032619 ORANGE COUNTY SUPERIOR COURT et al.

Merits. Cause called. Richard S. Rockwell argues for petitioner. Robert A. Naeve argues for respondent Orange County Superior Court. Leon J. Page, Deputy County Counsel argues for respondents Board of Supervisors and David E. Sundstrom, Auditor Controller for the County of Orange. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 16, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., Bedsworth, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CIVIL AKBAR BAHARIAN-MEHR
No. v.
G031655 PELICAN THEATER GENERAL PARTNERSHIP et al.

Merits. Cause called. Larry Rothman argues for appellant. Stuart Miller argues for respondents. Cause submitted.

CIVIL CATHERINE D. BURT
No. v.
G031938 COUNTY OF ORANGE

Merits. Cause called. Richard G. Heston argues for appellant. Laura D. Knapp, Deputy County Counsel argues for respondent. Cause submitted.

CIVIL BARBARA DIECKMEYER
No. v.
G031869 THE REDEVELOPMENT OF THE CITY OF
HUNTINGTON BEACH et al.

Merits. Cause called. Scott F. Field argues for appellants. Curt R. Craton argues for respondent. Cause submitted.

CIVIL MONICA MEHREN
No. v.
G032291 CHRISTOPHER DARGAN

Merits. Cause called. Gregory G. Brown argues for appellant. Marjorie G. Fuller argues for respondent. Appellant and respondent to file supplemental briefs by April 2, 2004. Cause to be submitted on April 2, 2004.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 16, 2004 (Cont'd)**

CIVIL HOPE INTERNATIONAL UNIVERSITY
No. v.
G032967 ORANGE COUNTY SUPERIOR COURT;
 CURTIS ROUANZOIN et al.

Merits. Cause called. Benjamin S. Cardozo argues for petitioner. Robert J. Feldhake argues for real parties in interest. Cause submitted.

CIVIL ANIMAL LEGAL DEFENSE FUND
No. v.
G032020 MARTINE EHRENCLOU et al.

Merits. Cause called. Shirley M. Hufstedler argues for appellant. David C. Nelson argues for respondent Martine Ehrencloou. Marc L. Sallus argues for respondent Wilmington Trust, F.S.B. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
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March 17, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., O'Leary, J., and Fybel, J. A. Cajigal, Deputy Clerk attending.

CIVIL RICHARD COLEMAN
No. v.
G032443 ZENODATA CORPORATION

Merits. Cause called. Stephen D. Marks argues for appellant. Joel W. Baruch argues for respondent. Cause submitted.

CIVIL JACK SAPPINGTON
No. v.
G032234 ORANGE UNIFIED SCHOOL DISTRICT

Merits. Cause called. Martin J. Kirwan argues for appellant. Jonathan J. Mott argues for respondent. Cause submitted.

CIVIL BAO CHIN
No. v.
G031476 INTELLIGENT TEXT PROCESSING INC.

Merits. Cause called. Christopher E. Deal argues for appellant. Jeffrey M. Hall argues for respondent. Cause submitted.

CIVIL CARLOS LUCERO
No. v.
G031783 PLAZA DEL SOL REAL ESTATE TRUST

Merits. Cause called. Daniel R. Wildish argues for appellant. Leslie A. Bower argues for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 17, 2004 (Cont'd)**

CIVIL STEVEN R. KALLER et al.

No. v.

G030929

G032496 FIRST NATIONWIDE MORTGAGE, et al.

Merits. Cause called. Kenneth E. Gertz argues for appellant Steven R. Kaller. Robert D. Bills argues for appellant Kevin Apman. Reed N. Archambault argues for respondents James L. Schlect et al. Richard A. Jones argues for respondent Robert L. Coburn. Ronald W. Rose argues for respondents Coldwell Banker Residential et al. Cause submitted.

CIVIL JAMES G. BRAKKE

No. v.

G031929 SAFETY NATIONAL RE SPC

Merits. Cause called. Jeffrey S. Kravitz argues for appellant. Dennis F. Fabozzi argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 17, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., Fybel, J., and Ikola, J. A. Cajigal, Deputy Clerk attending.

CIVIL BRIAN W. LYNN
No. v.
G031309 COSTCO WHOLESALE CORP.

Merits. Cause called. Richard A. Love argues for appellant. Jeffry A. Miller argues for respondent. Cause submitted.

CIVIL JERRY W. BLANKENSHIP
No. v.
G032396 MARILYN M. BLANKENSHIP

Merits. Cause called. Albert M. Graham, Jr. argues for appellant. Respondent Marilyn M. Blankenship argued on her own behalf. Cause submitted.

CIVIL TOM T. PETROU
No. v.
G031662 SOUTH COAST EMERGENCY

Merits. Cause called. Kimberly A. Knill argues for appellant. Kenneth R. Pedroza argues for respondent. Cause submitted.

CIVIL CONCETTA ANDERSON
No. v.
G031918 GREEN ACRES OF KERN CO. HOMEOWNERS

Merits. Cause called. Jayne T. Kaplan argues for appellant. Michael D. May argues for respondent. Parties ordered to file letter briefs by March 26, 2004. Any responsive briefs by parties if desired due by 4:00 p.m. on April 2, 2004. Cause to be submitted on April 2, 2004.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 17, 2004 (Cont'd)**

CIVIL GARY RUSSELL
No. v.
G031611 GENERAL MOTORS CORP.

Merits. Cause called. Martin W. Anderson argues for appellant. Amy L. Sjolander argues for respondent. Cause submitted.

CIVIL DAVID WIEGAND et al.
No. v.
G031175 SCOTT B. PERPER et al.

Merits. Cause called. Mark B. Frazier argues for appellants. John R. Huston argues for respondent Scott B. Perper. Kari M. Myron argues for respondent William Davidson. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 17, 2004 (Cont'd)**

CIVIL No. G028742	PALACIO DEL MAR HOMEOWNERS ASSOCIATION, INC. v. ARNOLD A. McMAHON et al.	Not for publication
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Opinion filed. Judgment affirmed.

Bedsworth, J.

We concur: Sills, P.J.
O'Leary, J.

CIVIL No. G033203	JUAN N. v. THE SUPERIOR COURT OF ORANGE COUNTY; ORANGE COUNTY SOCIAL SERVICES AGENCY	Not for publication
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Opinion filed. Petition denied.

Aronson, J.

We concur: O'Leary, Acting P.J.
Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 18, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Bedsworth, J., O’Leary, J., Aronson, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CRIM THE PEOPLE
No. v.
G031691 JESSE G. KENT

Merits. Cause called. Susan K. Keiser argues for appellant. Michael Murphy, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031543 KEVIN T. PERRY

Merits. Cause called. Paul R. Ward argues for appellant. Lynn McGinnis, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031790 JANIE L. DYKSTRA

Merits. Cause called. Jennifer A. Gambale argues for appellant. Douglas C. S. Lee, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031759 PAUL C. STAUFFER

Merits. Cause called. Richard L. Schwartzberg argues for appellant. Gil Gonzalez, Deputy Attorney General argues for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 18, 2004 (Cont'd)**

CRIM THE PEOPLE
No. v.
G031842 ARTHUR L. HARRIS

Merits. Cause called. Kristin Erickson argues for appellant. Ronald A. Jakob,
Deputy Attorney General argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 18, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., O'Leary, J., Fybel, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CIVIL ORANGE COUNTY SOCIAL
No. SERVICES AGENCY
G033129 v.
 HANG T.

Merits. Cause called. Ellen Bacon argues for appellant. Dana J. Stits, Deputy County Counsel argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G032076 WENDELL P. JOHNSON

Merits. Cause called. Betty A. Haight argues for appellant. Kimberly Zebuda, certified law student argues for respondent. Melissa Mandel, Supervising Deputy Attorney General present. Cause submitted.

CRIM THE PEOPLE
No. v.
G031689 VERA M. DIXON

Merits. Cause called. Arthur Martin argues for appellant. Kristen Chenelia, volunteer attorney argues for respondent. Daniel Rogers, Supervising Deputy Attorney General present. Cause submitted.

CRIM THE PEOPLE
No. v.
G031507 EFRAIN L. ARTEAGA

Merits. Cause called. Marianne Harguindeguy argues for appellant. Warren Robinson, Deputy Attorney General argues for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 18, 2004 (Cont'd)**

CRIM	THE PEOPLE
No.	v.
G031838	SAMUEL A. GROOVER

Merits. Cause called. Lynelle K. Hee argues for appellant. Daniel Rogers, Deputy Attorney General argues for respondent. Cause submitted.

CRIM	THE PEOPLE
No.	v.
G031763	JESUS S.

Merits. Cause called. Lauren E. Eskenazi argues for appellant. Anne Kammer, certified law student argues for respondent. Melissa Mandel, Supervising Deputy Attorney General present. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 18, 2004 (Cont'd)**

CIVIL No. G031506	HAL VOZNICK v. SHURFLO, INC.	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: Aronson, J. Fybel, J.	Bedsworth, Acting P.J.
CIVIL No. G032066	MAINGATE HOTEL COMPANY, INC. et al. v. ZABY'S LP et al.	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: Sills, P.J. O'Leary, J.	Rylaarsdam, J.
CIVIL No. G033060	ORANGE COUNTY SOCIAL SERVICES AGENCY v. MICHAEL M.	Not for publication
	Opinion filed. Judgment reversed.	
	We concur: Rylaarsdam, J. Ikola, J.	Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 19, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, Acting P.J., Aronson, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CIVIL ORANGE COUNTY SOCIAL SERVICES AGENCY
No. v.
G032921 JAY S. et al.

Merits. Cause called. Shawn R. Perez argues for appellants. Jeannie Su, Deputy County Counsel argues for respondent. Cause submitted.

CIVIL ANTONIO M. PEREZ
No. v.
G030945 KAREN HEILMAN et al.
G031527

Merits. Cause called. Eric S. Honig argues for appellant. Jeffrey A. Feasby argues for respondents Karen Heilman, Prudential Securities Inc., and Joseph Polansky. Cause submitted.

CIVIL ANNE M. KAUMO
No. v.
G030958 ORANGE COUNTY DEPARTMENT
 OF EDUCATION

Merits. Cause called. Regis A. Guerin argues for appellant. Dennis J. Walsh argues for respondent. Cause submitted.

CIVIL WEN-YI CHOU
No. v.
G031589 DA-CHEN SHIEH

Merits. Cause called. Stephen D. Johnson argues for appellant. Karin D. Vogel argues for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 19, 2004 (Cont'd)**

CIVIL JUANA FLORES et al.
No. v.
G031634 HBI CONSTRUCTION et al.

Merits. Cause called. Frank Valdez argues for appellants. David Simantob argues for respondents. Cause submitted.

CIVIL JOHN C. HSU
No. v.
G032188 FIRE INSURANCE EXCHANGE et al.

Merits. Cause called. William L. Buus argues for appellant. Barbara J. Mandell argues for respondent Interinsurance Exchange of Auto Club. Michelle R. Bernard argues for respondent Fire Insurance Exchange. Cause submitted.

CIVIL DAPHNE MIRANDA
No. v.
G031774 21st CENTURY INSURANCE COMPANY

Merits. Cause called. B. Kay Shafer argues for appellant. James P. Lemieux argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 19, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P.J., Bedsworth, J., O'Leary, J., Moore, J., Aronson, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CRIM THE PEOPLE
No. v.
G031465 SON H. NGUYEN

Merits. Cause called. James M. Crawford argues for appellant. Laura Stilwell-Studebaker, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G032220 VICTOR M. JACINTO

Merits. Cause called. Michael I. Garey argues for appellant. Lilia Garcia, Deputy Attorney General argues for respondent. Cause submitted.

CRIM SERGIO ARROYO
No. v.
G033356 ORANGE COUNTY SUPERIOR COURT;
 THE PEOPLE

Merits. Cause called. Michael I. Garey argues for petitioner. Brian Gurwitz, Deputy District Attorney argues for real party in interest. Cause submitted.

CRIM THE PEOPLE
No. v.
G031653 VICTOR GENDALE

Merits. Cause called. Michael R. Avery argues for appellant. Kelly Johnson, Deputy Attorney General argues for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 19, 2004 (Cont'd)**

CRIM THE PEOPLE
No. v.
G031429 RUSSELL P. WALSH

Merits. Cause called. Russell P. Walsh argues for appellant. Robert Foster, Supervising Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G032008 HECTOR L. MORALES

Merits. Cause called. Katharine E. Greenebaum argues for appellant. Robert Foster, Supervising Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031659 GERALD J. EUSIBIO

Merits. Cause called. Gerald P. Peters argues for appellant. Jonathan Lynn, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031083 JAMES A. CARDWELL et al.

Merits. Cause called. Carmela Simoncini argues for appellant John Delao. Jeffrey Stuetz argues for appellant James A. Cardwell. Jonathan Lynn, Deputy Attorney General argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 19, 2004 (Cont'd)**

CIVIL No. G031854	OMOHUNDRO COMPANY v. MAS INVESTMENTS, L.P.	Not for publication
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Opinion filed. Judgment affirmed.

Moore, J.

We concur: Rylaarsdam, Acting P.J.
Ikola, J.

CRIM No. G031950	THE PEOPLE v. JOHN D.	Not for publication
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Opinion filed. Judgment affirmed as modified.

Fybel, J.

We concur: Bedsworth, Acting P.J.
Ikola, J.